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and CONSECO SERVICES L.L.C.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ANITA D. PARATLEY,) CASE NO. C-05-4312 (MMC)
12 Plaintiff,) [San Francisco County Superior
13 vs.) Court Case No. 05-445379]
14 CONSECO HEALTH INSURANCE) STIPULATION AND ORDER RE
15 COMPANY and CONSECO SERVICES) PLAINTIFF'S THIRD MOTION TO
16 L.L.C.) COMPEL
17 Defendants.)
18 _____)
19 Assigned to: The Honorable
20 Maxine M. Chesney

STIPULATION

21 It is stipulated, by and between the parties to this action,
by and through their attorneys of record:

23 1. This stipulation and order constitutes a full and
24 complete resolution of all issues raised by, and which are the
25 subject of, plaintiff's third motion to compel, and the dispute
26 between the parties over the discovery requests which are the
27 subject of that motion.

1 2. Plaintiff's third motion to compel shall be taken off
2 calendar.
3

4 3. Defendant will provide a full and complete response,
5 without objection, to interrogatory number 4.
6

7 4. Defendant will produce all forms for cancer insurance
8 policies issued or sold by defendant within the past 5 years, and
9 the first form for cancer insurance policies for California which
10 contained the following language: "We will not pay for any
11 treatment planning, treatment management. . ."

12

13 5. Defendant will produce unredacted copies of Bate stamped
14 documents 1173-1175.
15

16 6. Defendant will provide an admission, interrogatory
17 response, or stipulation, admissible into evidence, that the
18 persons who handled plaintiff's claim for benefits which is the
19 subject of this action were employed by Conseco Services L.L.C.
20 Such an admission, interrogatory response or stipulation is
21 without prejudice to, and does not bar defendant's right to, make
22 whatever assertion it wishes to make concerning the relationship,
23 if any, between said persons and Conseco Health Insurance Company
24 and/or between Conseco Services L.L.C. and Conseco Health
25 Insurance Company.
26

27 7. The responses will be provided within 20 days of the
28 execution of this stipulation.

1 DATED: October 11, 2006

2 By _____

3 MICHAEL N. WHITE
4 Pro Hac Vice

5 Richard H. Friedman (CA Bar No.
6 221622)
7 Friedman, Rubin & White
8 1126 Highland Avenue
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15 925-253-7909

16 DATED: October 11, 2006

17 LAW OFFICES OF MARC J. WODIN

18 By _____
19 MARC J. WODIN
20 Attorneys for Defendants CONSECO
21 HEALTH INSURANCE COMPANY and
22 CONSECO SERVICES L.L.C.

23 IT IS SO ORDERED

24 10-11-06

25 /s/ Wayne D. Brazil

26 THE HONORABLE WAYNE D. BRAZIL
27 UNITED STATES MAGISTRATE JUDGE